

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

JUSTIN FOOTMAN,

Plaintiff,

v.

FULTON COUNTY JAIL, et al.,

Defendants.

**PRISONER CIVIL RIGHTS
42 U.S.C. § 1983**

**CIVIL ACTION FILE
NO. 1:22-CV-1317-MHC-CCB**

ORDER

This matter is before the Court on the Final Report and Recommendation (“R&R”) of the Magistrate Judge [Doc. 2] recommending that Plaintiff’s action be dismissed without prejudice because it appears Plaintiff intended to file his complaint in the Superior Court of Fulton County rather than in this Court. The Order for Service of the R&R [Doc. 3] provided notice that, in accordance with 28 U.S.C. § 636(b)(1), the parties were authorized to file objections within fourteen (14) days of the receipt of that Order. No objections have been filed to the R&R within the time permitted. In fact, Plaintiff has filed a response acknowledging this error and asks for the return of the documents he filed in this Court [Doc. 4].

Absent objection, the district court judge “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Based upon the absence of objections to the R&R, in accordance with 28 U.S.C. § 636(b)(1), the Court has reviewed the R&R for plain error. See United States v. Slay, 714 F.2d 1093, 1095 (11th Cir. 1983). The Court finds no plain error and that the R&R is supported by law.

The Court **APPROVES AND ADOPTS** the Final Report and Recommendation [Doc. 2] as the Opinion and Order of the Court. It is hereby **ORDERED** that Plaintiff’s claims are **DISMISSED WITHOUT PREJUDICE**.

The Clerk is **DIRECTED** to send to Plaintiff a copy of the documents he previously filed in this case [contained in Doc. 1] and to **CLOSE** this case.

IT IS SO ORDERED this 16th day of May, 2022.



MARK H. COHEN

United States District Judge